

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40520
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE LUIS GONZALEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No.1:96-CR-104-6
- - - - -

October 22, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Jose Luis Gonzalez appeals from the district court's holding that his sentence reflect the total amount of marihuana involved in the conspiracy to which he pleaded guilty. He argues that this finding does not comport with the "reasonable foreseeability" component of U.S.S.G. § 1B1.3, and resulted in an incorrect application of the sentencing guidelines. We have reviewed the record and the district court's opinion and find no clear error. See *United States v. Ponce*, 917 F.2d 846, 848-49

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

(5th Cir. 1990); *United States v. Mitchell*, 964 F.2d 454, 458-59 (5th Cir. 1992). Accordingly, we AFFIRM for essentially the reasons given by the district court. *United States v. Gonzalez*, 1:96-CR-104-5 (E.D. Tex. April 25, 1997).

AFFIRMED.